

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte GREGORY J. BEVERIDGE

Appeal No. 2004-0656  
Application No. 09/664,130

MAILED

JUL 30 2004

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ORDER DISMISSING APPEAL

Before HARKCOM, Acting Chief Administrative Patent Judge, WILLIAM F. SMITH and NASE, Administrative Patent Judges.

Per curiam.

On July 7, 2004, counsel for the appellant filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in the application is dismissed.

This application is being returned to the examiner for further action as may be appropriate.

*Gary V. Harkcom* )  
Gary V. Harkcom, Acting Chief )  
Administrative Patent Judge )  
)  
*William F. Smith* )  
William F. Smith )  
Administrative Patent Judge )  
)  
*Jeffrey V. Nase* )  
Jeffrey V. Nase )  
Administrative Patent Judge )  
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Dinnin & Dunn, P.C.  
2701 Cambridge Court, Ste. 500  
Auburn Hills, MI 48326